From: Timothy Wall
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

As a software engineer with a degree from MIT and over 20 years experience developing software for Unix, Macintosh, Windows, and Linux, I'd like to comment on the Proposed Final Judgment in United States vs Microsoft.

I think the proposed settlement is a bad idea. It does nothing to punish the company for its proven illegal practices, nor does it do anything to effectively prevent the company from continuing those same practices. The company has proven that it has no respect for the legal system, nor acceptable business practices, except what it can buy or subterfuge. The proposed final judgment allows the company's exclusionary tactics to continue, with no direct measures included to overcome the barriers to entry that the company has established.

I am ashamed of a legal system that can be bought or persuaded of anything easily by a company that has proven itself willing and capable of falsifying evidence in a court of law.

I personally have been affected by this compony's monopolistic practices. No innovation is allowed without the company's consent. I have seen excellent research stamped out or bought by the company and shelved, simply because the monopoly did not see it fit with its business interests.

I and my developers are daily forced to work with arcane and poorly designed APIs (methods of writing software), because the monopoly has forced all others out of the market.

If the company absolutely *must* be left with its monopoly, then the remedy absolutely *must* address the issues of permitting software developers to have sufficient leverage to change the system in which they are forced to work. There is no current such system in place. If I want to see a bug fixed in the company's operating system, I have to pay simply for the privilege of telling them about it, let alone have it fixed.

The company has been trying for years to leverage its monopoly into other spheres of influence. One with which I am intimately familiar is embedded systems, where the company has thus far failed to gain any significant foothold, even in the face of their claimed "innovations" in the field. Why? Because embedded developers have significant choice, and the company has no compelling offerring in the face of those choices. Its claims of "innovation" fall flat when there is something to compare to, if there is the choice of an alternative. Any other company would have long since have run out of money, trying to sell an unwanted product into such a space; but this one, primarily because the embedded space is such a big market, will keep trying. Even given this lack of success, the company claims "thousands of registered developers",

which, reading between the lines, means someone downloaded their beta evaluation software.

I provide this example to show that the company's supposed "innovations" and successes in other markets cannot be taken at face value. Any claims of the company need to be closely examined and objectively proven.

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